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TAGS: [PHUM](#) [PGOV](#) [PREL](#) [KDEM](#) [KPAO](#) [TS](#)  
SUBJECT: PART II: BAD NEWS FOR TUNISIAN PRESS: OPPOSITION  
PAPER UNDER PRESSURE

REF: A. TUNIS 407  
[1](#)B. TUNIS 337  
[1](#)C. TUNIS 169  
[1](#)D. 07 TUNIS 1404  
[1](#)E. 07 TUNIS 1294  
[1](#)F. 07 TUNIS 986

Classified By: Ambassador Robert F. Godec for reasons 1.4 (b) and (d)

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Summary  
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[1](#)1. (SBU) Since March, the distribution of five editions of al-Mowqif has been blocked, putting the paper in a financially precarious situation. Opposition Progressive Democratic Party (PDP) leaders held a press conference on April 16 to announce that the editors of its Arabic-weekly al-Mowqif are being sued by five Tunisian companies because of an article that appeared in the newspaper's April 4th edition. The hearing is scheduled May 10. The opposition weekly claims that the court proceedings are the latest step in a government-endorsed campaign to bankrupt the paper in retaliation for former PDP Secretary General Nejib Chebbi's presidential bid. Contacts at al-Mowqif have told us that a hunger strike to protest these may begin as early as April [1](#)26. This report is Part II of a two-part series on press freedom in Tunisia. Part I (Ref A) focused on recent progress in freedom of expression -- a trend against which al-Mowqif's difficulties stand in stark contrast. End Summary.

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GOT vs Freedom of Expression  
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[1](#)2. (C) Since March, the distribution of five editions of the opposition Progressive Democratic Party (PDP) Arabic-weekly al-Mowqif have been blocked. Al-Mowqif Editor-in-Chief Rachid Khachana speculated that distribution of the March 14 edition was stopped because it carried an article on possible increases in the state-controlled prices of semolina and bread, a politically sensitive topic as previous increases have triggered social unrest. The March 21 edition had an article that discussed the "red-line" topic of corruption with an article examining a financial scandal concerning a construction project on previously archeologically-protected land funded by investors with government connections.

[1](#)3. (C) The PDP held a press conference on April 16 to announce that Chebbi and Khachana are being sued by five Tunisian vegetable-oil companies, based on an article that appeared in the April 4th edition of the paper. The article

urged the GOT to investigate reports of sub-standard cooking oil that posed a health risk to consumers. The companies claim that the al-Mowqif article prejudiced the public against their product, and are asking for damages in the amount of 500,000 TD (US \$416,666) and additional damages based on expert evaluation of lost future revenue. Chebbi and Khachana told PolOff that under Tunisian law, to prove defamation the prosecutor must show that a direct and personal attack took place and that the article was written in bad faith. According to the PDP's legal counsel, because al-Mowqif merely referenced pre-existing reports of sub-standard cooking oil and did not single out a particular company or brand when urging the government to investigate, the prosecution should not be able to meet the legal standard for defamation or libel. The hearing date is scheduled for May 10, one week after World Press Freedom Day. PolOff will attend the trial, and we are encouraging representatives of like-minded diplomatic missions to do the same.

¶4. (C) The distribution company SOTUPRESSE (which monopolizes most in-country newspaper and magazine distribution) returned almost all the issues of the March 14, March 21, and April 4 editions of al-Mowqif as unsold after a week, with the original binding from the warehouse intact. The normal turnaround is a month or more, leading the PDP to believe the editions never left the distribution center. Former PDP Secretary General Nejib Chebbi and Khachana told PolOff that friendly news outlets told them that members of the Presidential Palace police, in addition to regular uniformed police and plainclothes police, had been checking newsstands to confirm that no copies of al-Mowqif were on display or for sale. The PDP has resorted to selling copies out of the party headquarters, and at one point PDP Secretary General Maya Jribi and Khachana took to the streets to sell copies. Khachana told PolOff that the PDP is exploring

alternate means of funding al-Mowqif, but did not elaborate. Reporters for al-Mowqif told PolOff on April 19 that the paper relies on revenue from the previous week's sales to fund subsequent editions. They speculated that al-Mowqif can continue operating for a month at most before going bankrupt.

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When It Rains, It Pours  
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¶5. (C) Al-Mowqif's troubles do not end with distribution problems and a lawsuit. In March 2008, al-Mowqif's bank account was frozen on grounds that it owed back taxes. The order cites the Tunisian Tax Administration, stipulating that in 1986 al-Mowqif underpaid its taxes by 600 TD; with interest and fines, today that amount is 7,500 TD (US \$6,250). The paper claims that this error was manufactured by the government, and even if legitimate would have been annulled by a general tax amnesty in 2006. Chebbi said that the PDP has already filed papers to have the freeze on al-Mowqif's bank account lifted, and also plans to file a separate action based on the merits of the estimated tax. Even if al-Mowqif wins that fight, however, the National Social Security Fund says al-Mowqif owes another 7,500 TD (US \$6,250) in back-social security contributions for a driver. According to the PDP, the license of their supposed employee expired over fifteen years ago. Chebbi opined to PolOff that the lawsuit and al-Mowqif distribution problems are a pretext to punish the PDP for promoting his presidential candidacy (Ref B). Chebbi drew a parallel between the problems of al-Mowqif with the sudden spate of eviction notices that the PDP national and regional offices experienced during the summer of 2007 (Ref E). Coincidentally (or not), the same lawyer who represented the PDP's landlord in the eviction proceedings is now representing the companies filing suit in the cooking oil case.

¶6. (SBU) When asked by a reporter, Chebbi said that the PDP will not seek French President Sarkozy's intervention when he visits Tunisia in May. Chebbi originally told us that the PDP planned to pursue legal channels until "there is no more hope," but Khachana has since previewed that a hunger strike

is in the works, starting as early as Saturday, April 26.  
(Note: PDP leaders also undertook a hunger strike in response to the party's threatened eviction, Refs D and E.) Responding to a question about his participation in the 2009 presidential elections, Chebbi indicated that the PDP will endeavor to participate. He noted, however, that in 2004 the PDP was denied access to the media and was not allowed to present its candidate list, resulting in the PDP's eventual boycott. Should 2009 look to be a repeat of 2004, Chebbi said the PDP would consider how to respond. Chebbi concluded by noting that this is the first time since 2003 (Ref F) that journalists have been sued directly for their published work. The last time was the case of Mohamed Abbou, who spent over two years in prison for "defaming the judiciary" and alleged assault, after he published articles on the internet critical of Tunisia's prison system.

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Comment  
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17. (C) While there has been some movement toward greater freedom of the press (Ref A), the difficulties faced by al-Mowqif and the case of jailed reporter Slim Boukhdhir (Ref C) demonstrate ways that the government can and does limit freedom of expression. It is almost certainly at the GOT's behest that al-Mowqif's distribution has been disrupted five times in the last two months alone. If, as we suspect, the charges against al-Mowqif are also politically motivated, then the paper's editors stand little chance of prevailing on the merits of the case. If the matter attracts sufficient international attention, however, the GOT might encourage the plaintiffs to drop their charges or broker a compromise. The Ambassador plans to raise al-Mowqif's problems with GOT officials. If there is not improvement, however, it would be appropriate that USG statements on World Press Freedom Day include some reference to the situation in Tunisia. End Comment.  
GODEC